

REMARKS

This amendment is in response to the Office Action dated March 2, 2005. This response deletes claims 7-9, amends claims 10, 12, and 13, and adds claims 16-18. Thus, claims 1-18 remain in the application of which claims 1, 16, and 18 are the only independent claims. Favorable consideration of the claims as amended is earnestly solicited.

Election/Restriction

Affirmation is made of a restriction requirement which was made during a telephone conversation on November 17, 2004, in which the Examiner required the election of one of the following species:

- I. Figures 1-8 claims 1-6, and 10-15
- II. Figures 9-13 claim 7
- III. Figures 14-19 claim 8
- IV. Figures 20-26 claim 9

Applicant agrees that a telephone conversation between the Examiner and Applicant in which a provisional election was made without traverse to prosecute the invention of Figures 1-8, claims 1-6, and 10-15. Please cancel the non-elected claims, namely dependent claims 7-9 from the present application.

Claim Objections

The examiner objected to claims 2, and 3 under 37 CFR 1.75(c), as being of improper independent form. However, Applicant respectfully traverses this objection due to the fact that both claims 2, and 3 recite specific structural limitations of each of their corresponding elements of the previous claim, which is cited using means plus function language.

Therefore, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. §112

The examiner rejected claims 10, 12, 13, and 14 as being indefinite for failing to particularly point out and distinctly claim subject matter which the applicant regards as his invention. In response, Applicant has amended claims 10, 12, and 13 wherein all of the examiner's specific citations of indefinite language have been addressed. Nevertheless, Applicant believes that the specific citations of “widthwise” and “depthwise” in claim 14 are proper and thus no change has been made thereto. Applicant believes that all amendments made to the claims are fully supported in the specification as filed, and thus no new matter has been added thereby. Therefore, Applicant respectfully submits that the amended claims fully comply with 35 U.S.C. §112, and request that this rejection be withdrawn.

35 U.S.C. §102(b), Hassel

The Examiner rejected claims 1, 3, 5, and 6 as anticipated by U.S. Patent 5,219,216 to Hassel, et al. However, Applicant believes that reference numeral 29 as described in Hassel is actually a channel that is substantially similar to a slot as described by Applicant, wherein the function and purpose of the slot is to facilitate placement of a removable partition thereinto. Thus, Applicant believes that the disclosure as provided by Hassel does not suggest nor teach the use of any fixed partition device as that which is claimed by Applicant. There are several salient ramifications which flow from this structural variation. First, the integrally formed fixed partition as described by Applicant serves to enhance the overall structural rigidity of the box portion, thereby allowing construction thereof having a relatively smaller height. Although the box portion may possess a height which is equal to or greater than the height of the box portion as described by Hassel, it is this relatively smaller height that provides for the efficient storage of small items, a utility that is separate and distinct from the teachings of Hassel. Secondly, a removable partition as taught by Hassel which extends across the entire breadth of the rectilinear chamber and is supported within the channel using only gravity or snug friction fit and would invariably shift or move during normal usage thereby creating a poor partitioning mechanism for the relatively small items such as those suggested by Applicant. Given the aforementioned facts, Applicant respectfully submits that claims 1, 3, 5, and 6 are not anticipated by Hassel and requests that this rejection be withdrawn.

35 U.S.C. §103(a), Hassel

The Examiner rejected claim 11, and 15 as being unpatentable over Hassel, et al. However, Applicant believes that claim 1 is not anticipated by nor are obvious to the device as disclosed by Hassel due to the aforestated reasons *supra*. Because both claims 11, and 15 are dependent upon claim 1, in conjunction with Applicant's contention that claim 1 cites novel and unobvious subject matter, Applicant respectfully submits the claims 11, and 15 are not obvious to Hassel and requests that this rejection be withdrawn.

35 U.S.C. §103(a), Hassel in view of Chen

The Examiner rejected claim 2 as being unpatentable over Hassel, et al. in view of U.S. Patent 5,826,719 to Chen. However, Applicant believes that claim 1 is not anticipated by nor are obvious to the device as disclosed by Hassel due to the aforestated reasons *supra*. Because claim 2 are dependent upon claim 1, in conjunction with Applicant's contention that claim 1 cites novel and unobvious subject matter, Applicant respectfully submits the claim 2 is not obvious to Hassel in view of Chen and requests that this rejection be withdrawn.

35 U.S.C. §103(a), Hassel in view of Ong

The Examiner rejected claim 4 as being unpatentable over Hassel, et al. in view of U.S. Patent 5,971,166 to Ong. However, Applicant believes that claim 1 is not anticipated by nor are obvious to the device as disclosed by Hassel due to the aforestated reasons *supra*. Because claim 4 are dependent upon claim 1, in conjunction with Applicant's contention

that claim 1 cites novel and unobvious subject matter, Applicant respectfully submits the claim 4 is not obvious to Hassel in view of Ong and requests that this rejection be withdrawn.

35 U.S.C. §103(a), Hassel in view of Chen

The Examiner rejected claim 10 as being unpatentable over Hassel, et al. in view of U.S. Patent 5,826,719 to Chen. However, Hassel never teaches or suggests the removable partitions as disclosed in Chen. Furthermore, Hassel does not teach or suggest the use of any type of partitioning means that is suitable for the storage of variously sized small items, wherein Hassel's only disclosed utility is for the storage of computer diskettes in a hanging file system, nothing more. In fact, Hassel tends to teach away from Applicant's inventive concept by configuring the lid in a generally horizontal orientation such that the lid is accessible by a user when the box is suspended over the bars of the hanging file system. This type of configuration limits the depth which the box may have due to accessibility problems of any type of item disposed in the elevational bottom portion thereof, a problem that Applicant's invention does not have. Due to the fact that Hassel preferably suggest a depth of only 5.25 inches as described in column 5, lines 5-10, it is clear that Hassel had no intention to provide for a storage box that utilized the optimal space provided by a conventional hanging file system. Moreover, a box having a lid configuration and preferred depth of Hassel inherently limits the type of items to larger items such as computer diskettes. Thus, the box as taught by Hassel could not be modified via the teachings of Chen in order to enable the storage of relatively smaller items in an efficient and easily accessible manner in a hanging file system.

Given these facts in addition to the fact that claim 10 is dependent upon claim 1, which Applicant believes to be patentable subject matter, Applicant respectfully submits that claim 10 is not obvious to Hassel in view of Chen and requests that this rejection be withdrawn.

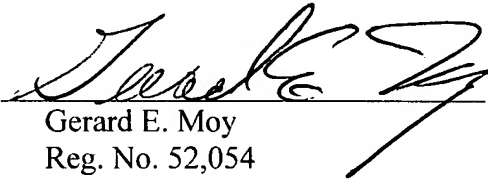
35 U.S.C. §103(a), Hassel in view of Pangerc

The Examiner rejected claim 12-14 as being unpatentable over Hassel, et al. in view of U.S. Patent 6,698,609 to Pangerc, et al. However, Applicant believes that the box as taught by Hassel could not be modified via the teachings of Pangerc in order to enable the storage of relatively smaller items in an efficient and easily accessible manner in a hanging file system for reasons that are previously stated in above section entitled “35 U.S.C. §103 (a), Hassel in view of Chen”. Additionally, because claims 12-14 are dependent upon claim 1, in conjunction with Applicant's contention that claim 1 cites novel and unobvious subject matter, Applicant respectfully submits the claims 12-14 are not obvious to Hassel in view of Pangerc and requests that this rejection be withdrawn.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment pursuant to 37 C.F.R. §1.121. Prompt and favorable action on the merits of the claims is earnestly solicited. If any minor issues remain, please contact Applicant at (972) 801-9843.

Respectfully submitted,

Dated: June 1, 2005

By: 
Gerard E. Moy
Reg. No. 52,054

1608 Danube Lane
Plano, Texas 75075
(972) 801-9843